

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF GARDNER APARTMENTS ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 3:00 P. M. on November 14, 1974, in the offices of the Boston Redevelopment Authority, (hereinafter called the "Authority"), at the New City Hall, Room No. 921, Boston, Massachusetts, by the Authority on an Application, (hereinafter called the "Application"), filed by Herbert L. Long and Gilbert A. Fishman for Gardner Apartments Associates, (hereinafter called the "Applicants"), for Authorization and Approval of a Redevelopment Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on October 30, 1974 and November 6, 1974, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for Securing the Approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority, and Joseph J. Walsh, James G. Colbert, Paul J. Burns and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the construction, rehabilitation, operation and maintenance by the Limited Partnership under Chapter 121A of approximately 49 apartment units and appurtenant facilities on five (5) parcels of land located partially within the Campus High School Urban Renewal Area Project No. Mass. R-129. The Project is located at Numbers 265-273, 275-281, 270-286 and 288-302 Roxbury Street and Number 24-26 Gardner Street, Roxbury, Massachusetts. The premises on which the Project is to be located are hereinafter referred to as the "Project Area". The Project is to be financed by the Massachusetts Housing Finance Agency and subsidized under Section 1-13A of the Appendix of Chapter 23A of the Massachusetts General Laws.

The Applicants propose to build the following structures and facilities on the Project Area:

There is to be constructed approximately 49 units of low and moderate income housing consisting of the conversion of a four story building, and three structures comprised of two and three story wood-frame houses, and appurtenant facilities all in accordance with the terms of the Campus High School Urban Renewal Plan. The unit composition will be as follows:

22	one bedroom units
19	two bedroom units
7	three bedroom units
1	four bedroom unit

In addition, two parking areas adjacent to the buildings will provide 22 spaces for off-street parking. The makeup and design of the Project are fully shown on the Plans filed herewith as Exhibits G and H.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the Hearing, the Exhibits offered in evidence at the Hearing and the arguments and statements made at the Hearing. The members of the Authority have also viewed the Project Area.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, rehabilitation, operation and maintenance of decent, sanitary and safe residential buildings and appurtenant facilities.

D. Project Area Substandard, Decadent and Blighted Open. Pursuant to the adoption of the Campus High School Urban Renewal Plan, Project No. Mass. R-129, several of the parcels and buildings which now make up the Project Area were found to be substandard and decadent. More specifically, the location where the Project is proposed has been characterized by the presence of dwellings which by reason of severe dilapidation, defective sanitation facilities, and over-crowding have become detrimental to the safety, health, and morals, welfare and the sound growth of the surrounding community. The Campus High School Urban Renewal Project Area, as a whole, had been characterized by the existence of a large number of buildings which were out of repair, physically deteriorated, unfit for human habitation, obsolete, or in need of major maintenance or repair. A degree of decline had occurred so that it had become improbable that the Area would be redeveloped by the ordinary operations of private enterprise.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a Project within the meaning of that law. The purposes of Chapter 121A and Chapter 652 of the Acts of 1960 will be met by this Project. The demand for decent, safe and sanitary housing for persons and for families at rentals below those which the conventional operations of the real estate market produces is a matter of common knowledge intense in this area of the City. Rehabilitation of substantial and handsome structures will will serve to alleviate this intense demand and will, in addition, encourage the conservation and improvement of an Area of a substantial number of dwellings located adjacent to the Project Area. The Project will provide adequate financial return to the City of Boston. Exhibit E of the Application sets forth the amounts to be paid by agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. In summary, this agreement provides that the Applicant will pay approximately 16% of the gross rents of the Project on account of taxes in each of the forty (40) calendar years next following the year 1974.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is \$1,353,812.00. The Project is to be built under mortgage financing program of the Massachusetts Housing Finance Agency and subsidized with mortgage interest subsidy for all of the apartments pursuant to that Agency's statute. This Program provides interest subsidies which produce

an effective interest rate of 1% per year over a period of 40 years. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organizational framework of the Partnership, to be called Gardner Apartments Associates. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. As stated in the Campus High School Urban Renewal Plan, "This Urban Renewal Plan is in conformity with the General Plan for the City of Boston and with its Program for Community Improvements".

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structures to be erected under the Project have been reviewed by Design Review Staff of the Authority and are subject to further Design Review. The Authority finds that they will enhance the general appearance of the Area and furnish attractive and necessary living accommodations. The location proposed is excellent for housing, having ready access to public transportation.

The carrying out of the Project will not in itself involve the destruction or alteration of any existing structures. Some of the buildings involved in the Project are vacant and involve no dislocation of any persons from their apartments. Rehabilitation operations are planned in such a way as will enable persons who

have to move from their apartments to move to other apartments in the Project or to other apartments owned by affiliates of the Applicant in the Project Area.

Relocation assistance of the Authority will be provided to the families displaced.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project affects no archeological structure or site.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wild life.
6. Being urban, the Project has no impact on any wilderness areas.

7. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.

8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency. However, the Applicant has submitted an Environmental Impact Statement to the Massachusetts Housing Finance Agency, which must approve the Project.

9. The Project does not involve the disposal of potentially hazardous materials.

10. The Project does not involve the construction of facilities in a flood plain.

11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise.

12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

13. The Project does not affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs; its Report and finding in accordance with the Authority's Rules and Regulations.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in Exhibit D filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not involve the construction of units which constitute a single building under the Boston Building Code and Zoning Law.

J. Zoning Deviations. Exhibit C filed with and attached to the Application lists the Zoning and Building Deviations. For the reasons set forth in the Application and supporting Documents, including said Exhibit C, and on the basis of the evidence presented at the Hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

In summary, the Zoning and Building Deviations from which permission is sought, are as follows:

I. Zoning Code

Article 8 Regulation of Use

Permission is requested to convert the use of the building at 288-302 Roxbury Street from its existing factory and storage use to permit a mixed-use occupancy consisting primarily of a multi-family dwelling use with a permitted occupancy for not more than twenty-six (26) families under Use Item 8; a real estate management office under Use Item 40; and a retail business under Use Item 34 or a service establishment under Use Item 43.

Article II Signs

With respect to rental signs, permission is requested to waive regulations with respect to size, kind, and location of signs in a residential district. Size, kind, and location of the signs for the Project shall be subject to review and approval by the Design Review Department of the Boston Redevelopment Authority.

Article 14 Lot Size, Area and Width

Article 15 Building Bulk

Article 16 Height of Buildings

- Article 17 Open Space Requirement for Residences
Article 18 Front Yards
Article 19 Side Yards
Article 20 Rear Yards
Article 21 Setback of Parapet
Article 22 Yard Regulations
Article 23 Off-street Parking

Permission is requested to waive all requirements for the above articles.

Article 8 Regulation of Use

Notwithstanding any inconsistent provision in the Zoning Code, or Building Code, permission is requested to combine the four (4) existing buildings at 288 - 302 Roxbury Street into two (2) buildings to be known as 288 Roxbury Street and 300 Roxbury Street; and to combine the two (2) existing buildings at 275-281 Roxbury Street into one (1) building to be known as 275 Roxbury Street.

In summary, the Building Deviations from which permission is sought are as follows:

II. Building Law

Section 316.2.1 Permission to waive requirement that 'windows shall have a height when open of at least forty-eight (48) inches and a width of at least thirty-six (36) inches.'

Section 610.2.1. table 6-3. Permission to waive requirement that the minimum width of corridors and stairs be thirty-six (36) inches.

Section 612.7.2 Permission to waive requirement that 'egress balconies to be constructed as required for exterior corridors, i.e. roofed and with drained solid floors.'

Section 612.7.3 Permission to waive requirement that 'the dwelling units served by balconies shall be separated from each other by construction having at least a two (2) hour fire resistance rating. Such separation shall extend at least three (3) feet beyond the outer face of the exterior wall of the building.'

Section 612.7.4 Permission to waive requirement that 'access from dwelling units to the balconies shall be through doors having glass panels at least two (2) feet wide and four (4) feet high, without muntins, screens or other obstructions to hinder entry by breaking the glass panels.'

Section 618.2.1a Permission to waive requirement that a 'stairway...be a minimum of thirty-six (36) inches wide.'

Section 618.4.2 Permission to waive requirement that ' no winders shall be permitted in required exitway stairways.'

Section 618.3.2 Permission to waive requirement that ' no stairway shall have more than fifteen (15)...risers between landings.'

Section 618.5 Permission to waive requirement that ' all stairways shall have continuous guards and handrails on both sides.'

Section 618.9 Permission to waive requirement that 'all required interior stairways shall be built entirely of non-combustible materials.'

Section 621.1 Permission to waive requirement that ' exterior stairways which are accepted as exitway elements... shall be provided with handrails and guards as required for interior stairs... and shall be covered by a roof providing protection from the weather.'

Section 621.3.2 Permission to waive requirement that ' the openings below and within ten (10) feet horizontally of the stairway shall be protected with approved three-quarter (3/4) hour automatic fire windows.'

Section 626.1 Permission to waive requirement that ' lighted exitway signs shall be required at the head of all required exit doors.'

Section 906.4 Permission to waive requirement that ' parapets shall be provided...at least two (2) feet high...'

Section 917.1 Permission to waive requirement that 'fire door assemblies... (will be required)' and that ' noncombustible construction or of one and three-quarter (1-3/4) inch bonded solid-core wood doors' will be allowed.

Section 927.0 Permission to waive requirement that ' all construction above the roof... shall be constructed of noncombustible materials' since such construction is existing.

Section 927.5 Permission to waive requirement that mansard roofs shall ' be constructed of material having the same fireresistance rating as required for an exterior nonbearing wall of the building of which it is a part.'

Section 1011.3.7 Permission to waive requirement that ' an existing masonry chimney...' must be relined.

Section 1115.6 Permission to waive requirement that 'boiler rooms shall not be located immediately below exitways.'

MEMORANDUM

NOVEMBER 21, 1974

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: CAMPUS HIGH URBAN RENEWAL PROJECT NO. R-129
MODEL CITIES AREA
GARDNER APARTMENTS ASSOCIATES
APPROVAL OF 121A REPORT AND DECISION AND STATEMENT OF
NO SIGNIFICANT ENVIRONMENTAL IMPACT

On November 14, 1974, a public hearing was held for approval of the formation of Gardner Apartments Associates pursuant to Chapter 121A of the General Laws of Massachusetts.

The Applicants sought consent for the formation of a Limited Partnership which entity would rehabilitate four existing buildings which range from two to four stories and will contain 49 units of low and moderate income housing in the subject areas to be financed by the Massachusetts Housing Finance Agency with state interest subsidy.

The Authority has also made inquiry into the Environmental Impact of the project pursuant to Sections 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal of Gardner Apartments Associates has thus been examined both as to its Environmental Impact and as to its 121A criteria and is found fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision for Gardner Apartments Associates and approve the Project as having no significant Environmental Impact.

An appropriate Vote is attached.

Attachment

